

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

This Document Relates to Plaintiff  
Jennifer Aguirre, as Expected  
Administrator of the Estate of Boyd  
Brown, 2:17-cv-00678-DGC

**FIRST AMENDED SHORT FORM  
COMPLAINT FOR DAMAGES FOR  
INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by Reference [Doc. 364].

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Boyd Brown

2. Spousal Plaintiff/ Deceased Party's spouse or other party making loss of  
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Jennifer Aguirre, as Expected Personal Representative of the Estate of Boyd Brown

4. Plaintiff's/Deceased Party's state(s) of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) of residence at the time of injury:

Florida

1 6. Plaintiff's current state(s) of residence:

2 Florida

3 7. District Court and Division in which venue would be proper absent direct filing:

4 United States District Court for the Southern District of Florida

5 8. Defendants against whom Complaint is made:

6 ☒ C.R. Bard, Inc.

7 ☒ Bard Peripheral Vascular, Inc.

8 9. Basis of Jurisdiction:

9 ☒ Diversity of Citizenship

10 ☐ Other:

11 a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

12 N/A

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19 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
20 claim (Check applicable Inferior Vena Cava Filter(s)):

21 ☐ Recovery<sup>®</sup> Vena Cava Filter

22 ☐ G2<sup>®</sup> Vena Cava Filter

23 ☐ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

24 ☒ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product: 09/23/2013

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability — Manufacturing Defect

☒ Count II: Strict Products Liability — Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability — Design Defect

☒ Count IV: Negligence — Design

☒ Count V: Negligence — Manufacture

☒ Count VI: Negligence — Failure to Recall/Retrofit

☒ Count VII: Negligence — Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Florida Law Prohibiting Consumer  
Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☒ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts supporting  
this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 Respectfully submitted this April 13, 2018.

2 /s/ Marlene J. Goldenberg

3 Stuart L. Goldenberg (*pro hac vice*)

4 Marlene J. Goldenberg (*pro hac vice*)

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